

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Christine M. Arguello**

Civil Action No. 12-cv-01248-CMA-CBS

GATES CORPORATION, a Delaware corporation; and
GATES CANADA INC., an Ontario corporation,

Plaintiffs,

v.

TWIN CITY DIE CASTINGS COMPANY, a Minnesota corporation,

Defendant.

**ORDER ADOPTING AND AFFIRMING SEPTEMBER 11, 2012
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE AND DENYING
AS MOOT PLAINTIFF'S MOTION TO DISMISS COUNTERCLAIMS**

This case was referred to United States Magistrate Judge Craig B. Shaffer pursuant to 28 U.S.C. § 636 and Fed. R. Civ. P. 72. (Doc. # 7.) On September 11, 2012, the Magistrate Judge issued a Recommendation, advising that Defendant's Motion to Transfer Venue "be granted and that this action be transferred to the District of Minnesota for further proceedings." (Doc. # 23 at 13.) Parties have 14 days after service of such a recommendation to file specific, written objections. 28 U.S.C. § 636(b); Fed. R. Civ. P. 72. Failure to do so waives *de novo* review of the recommendation by the district judge. *Id.* In the instant case, neither party has filed objections.

"In the absence of timely objection, the district court may review a magistrate's report under any standard it deems appropriate." *Summers v. Utah*, 927 F.2d 1165, 1167 (10th Cir. 1991) (citing *Thomas v. Arn*, 474 U.S. 140, 150 (1985) (observing that "[i]t does not appear that Congress intended to require district court review of a magistrate's factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings")). Having reviewed the Recommendation, the Court discerns no clear error on the face of the record and finds that the Magistrate Judge's reasoning is sound.

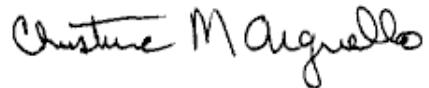
Accordingly, it is hereby ORDERED that the Recommendation of United States Magistrate Judge Craig B. Shaffer (Doc. # 23) is AFFIRMED and ADOPTED. Pursuant to the Recommendation, it is

FURTHER ORDERED that Defendant's Motion to Transfer Venue (Doc. # 6) is GRANTED and that this action be transferred to the District of Minnesota for further proceedings. Therefore, it is

FURTHER ORDERED that Plaintiff's Motion to Dismiss Counterclaims Pursuant to Federal Rule of Civil Procedure 12(b)(6) (Doc. # 18) is DENIED AS MOOT.

DATED: October 03, 2012

BY THE COURT:



CHRISTINE M. ARGUELLO
United States District Judge